

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF  
AMERICA,

Plaintiff,

v.

JOSE ANTONIO CRUZ  
a/k/a JOSE EDUARDO  
RODRIGUEZ MANAYA

Defendant.

CRIMINAL ACTION NO.: 04-CR-10314(RCL)  
(MAG. JUDGE BOWLER)

**MOTION FOR LEAVE TO WITHDRAW AS COUNSEL**

Douglas K. Mansfield hereby respectfully moves for leave to withdraw as counsel for the defendant Jose Eduardo Rodrigues Manaya in the captioned criminal matter in the event that the motion of Jack G. Goldberg, Esq. for leave to withdraw is allowed. As reason therefor the undersigned counsel declares, under pains and penalties of perjury, as follows:

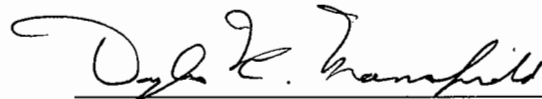
1. At the request of Jack Goldberg, Esq. I appeared in this matter for the purpose of moving Mr. Goldberg's admission *pro hac vice*. Mr. Goldberg advised me that he had been retained by the defendant and that he in turn was retaining me for this single purpose. Mr. Goldberg undertook to perform all services in the defense of this matter, and that he would make all court appearances. As between him and me, my appearance in court would be necessary only to move his admission.

2. On October 27, 2004, I moved the admission of Mr. Goldberg to appear in this matter *pro hac vice*. That motion was allowed in open court. Since that date Mr. Goldberg has provided all services required for the defense of this matter. I was not retained by Mr. Goldberg to provide further services, nor have I done so.

3. By motion dated January 30, 2006 Mr. Goldberg has moved for leave to withdraw as counsel to the defendant Jose Eduardo Rodriguez Manaya. I support Mr. Goldberg's motion but only if my motion for leave to withdraw is allowed concurrently. If the Court is unwilling to appoint Criminal Justice Act counsel, the obligation to represent the defendant should not be shifted from Mr. Goldberg to me. I have not been retained by the defendant, have not communicated with him, and am not in a position to defend him.

I declare under the pains and penalties of perjury that the foregoing statement is true and correct.

Dated: February 1, 2006



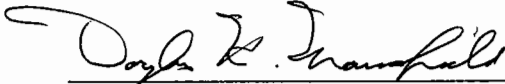
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Douglas K. Mansfield  
BBO #318320  
Casner & Edwards, LLP  
303 Congress Street  
Boston, MA 02210  
617-426-5900

CERTIFICATE OF SERVICE

I hereby certify that on the 1<sup>st</sup> day of February, 2006, a true copy of the above document was served upon all counsel by electronic service and upon defendant Jose Rodriguez at the following address:

Jose Rodriguez  
Booking No. P100397  
Essex County Correctional Facility  
20 Manning Avenue  
P.O. Box 807  
Middleton, MA 01949-2809

  
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Douglas K. Mansfield